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THE
R E P O R T
OF THE
LORDS COMMITTEES
FOR
COURTS of JUSTICE,

Upon the PETITION of
Alexander Burrowes Esq; late High Sheriff of the County of Kildare,

Stairne MADE
By ROHJC Lord Bishop of Cork
CHAIRMAN

TOGETHER WITH THE
Resolutions of the Lords thereupon.

WITH AN

APPENDIX,
CONTAINING

The Injunction made by the Chief Baron, and other Barons of the Court of Exchequer.

A N D

The Copies of the several Letters and Orders Transmitted to them from the Lords Chancellors of Great-Brittain, in the CASE of *ANNESLER and SHERLOCK*.

Published by Order of the House of Lords.

D U B L I N :

Printed by Samuel Fairbrother, Book-Seller, and to be Sold at his Shop in Skinner-Row, over-against the Tholsel, 1719.

IN pursuance of an Order of the House of
PEERS of the 10th of August, 1719. I
do Appoint *Samuel Fairbrother* to Print the
Report and Resolutions upon the Petition of *A-*
lexander Burrowes Esq; and do forbid any other
Person to Print the same.

En. Sterne, Cler'. Parliamentor'.

A

REPORT

Made to the

HOUSE,

the 28th of July, 1719.

By the Lord Bishop of Clogher, from the Lords Committees for Courts of Justice, on the Petition of Alexander Burrowes Esq; late High-Sheriff of the County of Kildare, and the RESOLUTIONS made by the House thereupon.

Mr. Burrowes's PETITION,
 To the Right Honourable the LORDS Spiritual and Temporal in Parliament Assembled.

The Humble Petition of Alexander Burrowes Esq;
late Sheriff of the County of Kildare.

Most humbly Sheweth,

THAT on the 3d day of October, 1717. your Lordships were pleased to Order, That the High-Sheriff of the County of Kildare should forthwith put Hester Sherlock into the Possession of the Lands of Little-Rath and other Lands in the said Order mentioned, which were to be Held by her till she should receive thereout the Sum of 1507 l. 14 s. 8 d. Farthing, chargeable upon the said Lands.

THAT Charles Nuttal Esq; then High-Sheriff of the said County of Kildare, in Obedience to, and by Virtue of your Lordships laid Order, on the 6th day of October aforesaid, put the said Hester Sherlock into the Possession of the Premisses, and she was in the actual Possession thereof, when your Petitioner was Appointed and Sworn Sheriff of the said County of Kildare for the Year ending at Michaelmas, 1718.

A

THAT

THAT on the 15th day of *March*, 1717. an Injunction issued out of the Court of *Exchequer*, Sign'd by the Right Honourable *Jeffery Gilbert Esq*; Lord Chief Baron of the said Court, and under the Seal thereof, directed to your Petitioner, being then Sheriff of the said County; whereby your Petitioner was required immediately after Receipt thereof, pursuant to an Order of the said Court of *Exchequer*, bearing Date the 19th day of *February* preceding, (although the Barons of the said Court had due Notice of your Lordships said Order of the 3^d day of *October*, aforesaid) to restore *Maurice Annesley Esq*; to the Possession of those Lands, whereof the said *Hester Sherlock* was then actually possessed by Virtue of, and under your Lordships said Order. And your Petitioner was also required by the said Injunction to support and keep the said *Maurice Annesley* in such Possession of the Premisses till the further Order of the said Court, or till the said *Maurice Annesley* shou'd be thereout Evicted by due Course of Law, which Injunction was delivered to your Petitioner by *John Annesley* (the said *Maurice's* Brother) who required your Petitioner to give him the Possession of the said Lands, having a Letter of Attorney from his said Brother for that Purpose, (as he informed your Petitioner) but your Petitioner refused to execute the said Injunction, conceiving it to be a Breach of your Lordships said Order of the 3^d. of *October*, 1717. and of the Rights and Privileges of this Honourable House.

WHEREUPON the said *John Annesley* in his proper Person, on 13th day of *May*, 1718. moved the said Court of *Exchequer* on his Affidavit, Setting forth, That your Petitioner refused to execute the said Injunction, and pray'd that the said Affidavit might be read, which was order'd, and accordingly read by *John Bauman Gent*. one of the Attornies of the said Court, and the said Lord Chief Baron, and the Honourable *John Pocklington Esq*; and Sir *John St. Leger Kt*. Two other of the Barons of the said Court, then sitting in the said Court of *Exchequer*, Ordered, That your Petitioner shou'd be fined 40 s. if he did not return the said Injunction in four days; and on several Motions afterwards made by said *John Bauman*, the said Barons imposed several Fines on your Petitioner, which amount to 77 l. Sterl. and upon said *Bauman's* Motion on the 30th day of *June*, 1718. ordered an Attachment to the Pursivant against your Petitioner, for the Matters aforesaid, which accordingly issued.

THAT on the 7th day of *July*, 1718. your Petitioner returned the said Writ of Injunction, and thereon returned in *hæc Verba*, your Lordships said Order of the 3^d day of *October*, 1717. and the Resolutions of this Honourable Houle, bearing Date the 11th day of *February*, 1703. on the Petition of *Edward Earl of Meath*, and *Cecilia Countess of Meath* his Wife; of which the said Barons had likewise due Notice. And that your Petitioner by reason of your Lordships said Order and Resolutions, and of the Rights and Privileges of this Honourable Houle, durst not Restore the said *Maurice Annesley* to the Possession of the Premisses, as by the said Writ of Injunction was required.

THAT all the said Fines being imposed on your Petitioner for not Returning said Writ, and your Petitioner having complied with the said Orders by Returning the same; the said Barons *Pocklington* and *St. Leger*, on the 16th day of *July*, 1718. sitting publickly upon the Reducing of Fines in the *Exchequer Chamber*, and having heard the said several Fines imposed upon your Petitioner read unto them by the Proper Officer, and being by him informed, that your Petitioner had Return'd said Injunction, were pleased to Reduce, and accordingly took off the said Fines upon paying 6d in the Pound, (as by a Rule made by the said Barons has been practic'd in such Cases, tho' the same was never taken before)

before, as your Petitioner is informed;) but in the Afternoon of the said day, *John Draycot*, one of the Attorneys of the said Court, (who paid the Box for your Petitioner on taking off the said Fines) was sent for by the said Lord Chief Baron, to his Lordship's House, where the said other Two Barons then were; and after the said Barons had heard the laid Writ of Injunction and Return read, and what was offered in behalf of your Petitioner in justification of the said Return, the said Barons were pleased at his Lordship's said House, to oblige the said *Draycot* to take back the Money he so paid for taking off said Fines; and estreated the same, which have since issued in Proces against your Petitioner; although the said Return was never complained of by the said *Maurice Annesley* or his Council, nor had your Petitioner an Opportunity or Day given him to justify the Legality of the said Return, tho' the same was prayed by the said *Draycot* in behalf of your Petitioner.

THAT the said Barons without having any regard to the said Return; on the 7th day of *November* last, upon said *Bauman's Motion*, ordered the said Attachment to the Pursivant to be renewed against your Petitioner, which having issued, your Petitioner was obliged to abscond, and keep as private as possible, so that he could not attend his Affairs, whereby your Petitioner has suffered very much in his Fortune.

THAT by Reason of the said Attachments to the Pursivant, so from time to time issued against your Petitioner, he could not come upon his Accounts before the said Barons in the said Court of *Exchequer*: your Petitioner being advited and well assured, that if he would appear in the said Court, the said Barons would commit your Petitioner into close Custody, for not obeying their said Injunction: and the said Barons taking Advantage of your Petitioner's said Circumstances, ordered your Petitioner to be Fined 1200*l.* and upwards, for not coming upon his Accounts; tho' your Petitioner always was, and still is ready to give His Majesty a just and true Account of his said Office of Sheriff-wick, while he was concerned therein.

May it therefore please Your Lordships to take the Premisses into Consideration, and make such Order therein for Your Petitioner's Relief, as to Your Lordships in Your great Wisdom shall seem meet,

And Your Petitioner will ever Pray,

Alexander Burrowes.

The REPORT.

My LORDS;

THE Lords Committees for Courts of Justice, to whom the Petition of *Alexander Burrowes, Esq; late Sheriff of the County of Kildare* was Referred, do find,
That by the Order of this House of the 3d. of October, 1717. *Hester Sherlock, Widow*, was upon the 6th of the same Month put into the actual Possession of the Lands of *Little-Rath, Bodinstown, Darr and Mullenafoky* in the County of *Kildare*; by *Edward Conyers Under-Sheriff* to *Charles Nuttall Esq; then High Sheriff of the said County*; to continue therein till she should receive thereout the Sum of 1507 l. 14 s. 8 d. Farthing, chargeable on the said Lands; and the said *Hester* continued so possessed by Virtue of the said Order, for near Two Years.

That by the Minutes of the *Chancery side of the Exchequer* it appears, That the Lord Chief Baron of the *Exchequer* on the 19th February, 1717. produced a Letter dated *London* the 8th. *February*, 1717. sign'd *Cowper, C.* in which two Papers were inclos'd, Dated the 6th *February*, 1717. sign'd *William Cooper, Cler. Parliamentor.* directed to the Lord Chief Baron of the *Exchequer in Ireland* and the rest of the Barons of the said Court; alledged by the Lord Chief Baron to be Orders from the Lords in *Great-Britain*, requiring them to restore *Maurice Annesley Esq;* to the Possession of the Lands, he was dispossessed of; pending his Appeal in the *House of Lords of Great-Britain*.

That on the said 19th Day of *February*, 1717. in pursuance of the said alledged Orders and Letter, (inserted at the End of this Report) tho' no Affidavit had been made, that the said Orders or Letter were Regularly Compared and Signed, the said Lord Chief Baron, and the other Barons, without any Motion by Council or Attorney, ordered an Injunction for the Restoring the said *Maurice Annesley* to Possession of the Lands he was dispossess'd of, pending his said Appeal: in the Name of the *Chancellor, Treasurer, and Barons* of the said Court of *Exchequer*, whereby the Sheriff or Sheriffs of the County or Counties where the said Lands lay, was forthwith to put the said *Maurice* into the Possession of the said Lands.

That in order to make out the said Injunction, the said Court ordered the said *Maurice Annesley*, his Attorney, Agent, Sollicitor or Council, shou'd forthwith attend the Chief Remembrancer or his Deputy, with the Names of the Lands of which the said *Maurice Annesley* was so dispossessed of, and also the County or Counties where the said Lands lay.

That upon the 14th of March, 1717. Affidavit was made before the Lord Chief Baron by *John Annesley of Ballysax* in the County of *Kildare* Esq; wherein *Hester Sherlock* was made Plaintiff, and *Maurice Annesley Esq;* Defendant. That he the said *John* was dispossess'd of the Lands of *Little-Rath*

Rath, Darr, Bodingstown, and Mullenafooky, which he the said *John* held by Virtue of a Leale from the said *Maurice Annesley*, pending his laid Appeal; and that the said *John's* Lease was then in being and undetermined.

That upon the 14th March, 1717. the said Affidavit of the said *John Annesley* was filed in the Chief Remembrancer's Office, in order to have the laid Injunction made out; but before the said Injunction issued, it appears by the Examination of Mr. *John Draycott* Attorney for Mrs. *Sherlock* in the Exchequer, (after having been Sworn at the Bar of this House) That he the said *Draycott* attended Mr. *John Becker* then Deputy Chief Remembrancer at his Office, and in the Presence of the said *John Annesley* informed the said *Becker*, That the said Affidavit was insufficient, and that the said *Draycott* was ready to prove, that the said *Maurice Annesley* was not at the Time of his said Appeal, nor at any Time since, in Possession of the said Lands mentioned in the said Affidavit; having sold the said Lands some Years before to *Andrew Wilson Esq;* and *Mrs. Frances Harman*.

That by Two Copies of Memorials out of the Register's Office (for Registering Deeds &c. pursuant to Act of Parliament) proved by the laid *Draycott* to be true Copies of the Memorials remaining in the said Office, it appears, That by Deeds of Lease and Releate bearing Date respectively the 1st and 2d Days of *March*, 1714. the Lease being made between *Jeffry Paul Esq;* of the one Part, and *Andrew Wilson Esq;* of the other Part; and the Releate made between the said *Jeffry Paul* of the First Part, said *Andrew Wilson* of the Second Part, and *Maurice Annesley Esq;* on the Third Part, whereby the several Lands of *Little-Rath, Darr, and Bodingstown* in the Barony of *Naas* and County of *Kildare*, were for the Considerations therein mentioned, conveyed to the said *Andrew Wilson* and his Heirs for ever: And the Right Honourable the Lord *Altham* upon his Honour declared, That he knew that *John Annesley of Ballysax Esq;* had paid Rent to the said *Andrew Wilson* by Virtue of, and under the said Purchase; but believed that the Lord Chief Baron or the other Barons knew nothing thereof. It also appears, that by Deeds of Lease and Release, bearing Date respectively the 2d and 3d Days of *April*, 1715. made between *Maurice Annesley Esq;* of the one Part, and *Frances Harman* of the City of *Dublin*, Widow. of the other Part: By which said Release the said *Maurice Annesley* for the Considerations therein mentioned, conveyed to the said *Frances Harman*, and her Heirs for ever, the Lands of *Mullenafooky* in the said County of *Kildare*. That notwithstanding there was no County mentioned in the said Affidavit, and laid Notice given of said Sale to the said Officer as aforelaid; neither did it appear by the said Affidavit, that the said *Maurice Annesley* was dispossessed of the said Lands therein mentioned, pending his Appeal; the said Injunction issued directed to the Sheriff of the County of *Kildare*, bearing Date the 22d February, in the Fourth Year of his Majesty's Reign, Sign'd *Galfridus Gilbert*, and returnable into the said Court in *Quinden. Pasch.* then next ensuing.

That by an Affidavit Sworn by *John Annesley* on the 7th of *May* 1718. before Mr. Baron *St. Leger*, and filed in the Chief Remembrancer's Office, the 9th of the same Month, wherein he made *Maurice Annesley Esq;* Plaintiff, and *Hester Sherlock*, Widow, Defendant; in which the said *John Annesley* deposed, That on or about the 15th March preceding, he delivered the before-mention'd Injunction to *Alexander Burrowes Esq;* then High-Sheriff of the said County of *Kildare*, and shewed the said Sheriff a Letter of Attorney from the Plaintiff, empowering the said *John Annesley* to receive the Possession of the Lands in the said Injunction mentioned; but the said Sheriff refused to execute the said Injunction.

That the said *John Annesley* in his proper Person, on the 13th of the said Month, moved the said Court upon an arrested Copy of the said Affidavit; but the said *Draycott* insisting, that there was no such Cause in Court, the said *Annesley* was directed by the said Court to amend his Affidavit and move it again.

That the said *Annesley* thereupon erased and altered the said Copy, and made *Hester Sherlock*, Widow, Plaintiff, and *Maurice Annesley Esq;* Defendant, and Swores the same before Mr. Baron *St. Leger*, and filed the said Affidavit so amended in the Chief Remembrancer's Office, without any Alteration made in the Body of the said Affidavit; which was proved by the Deposition of *Daniel Reading Esq;* Deputy Chief Remembrancer, who was Sworn at the Bar of this House, and examined before the said Lords Committees.

That the same Day (*viz.*) 13th May, upon reading the said Affidavit, the said Court was informed by Councillor *Dixon*, That what was Sworn in the said Affidavit could not be true: For that the said *Annesley* swore he had a Letter of Attorney from the Plaintiff (who was *Mrs. Sherlock*) to receive Possession of the Lands therein mentioned, when, in truth, *Mrs. Sherlock* was then in actual Possession of the said Lands.

That the Lord Chief Baron said it was only a Mistake, and without rectifying the same, on Motion of Mr. *John Bauman* an Attorney, the Court ordered the said Sheriff to be fin'd Forty Shillings, if he did not return the said Injunction in Four Days; and on said *Bauman's* several Motions, there were Fines at several Times laid upon the said Sheriff for not Returning the said Injunction, which amounted to 77*l.* which was proved by the Minutes of the said Court, and the Testimony of the said *Draycott*.

That the said *Draycott* likewise proved, That the said Lord Chief Baron and the other Barons had due Notice of the said Order of this House, and the Resolutions thereof made the 11th February, 1703. before any Proceedings were had in the said Cause, subsequent to the said Order of this House of the 3^d of October, 1717. and that the said *Annesley* and *Bauman* were served with Copies of the said Order and Resolutions, before any Motions were made by them in the said Cause.

That by the Minutes of the 13th June, 1718. taken in the said Court, it appears, that Mr. *Chancellor* of the *Exchequer* declared, That the Orders of the House of Lords of *England* being only directed to the *Barons* of that Court; and that he found, that the Order of that Court, which was made thereon, was made, as if done by him, and the *Treasurer*, as well as by the *Barons*; that he apprehended, That in Regard the said Orders were not directed to him, or he present when the said Order of the Court of *Exchequer* was made, *That he had nothing to do therewith, and did not Consent thereto.*

That it appeared by the Testimony of the said Mr. *Reading*, That the said Cause between *Sherlock* and *Annesley* was of the *Chancery* side of the *Exchequer*, and that all Bills in the *Chancery* side of the said Court, were directed to the *Chancellor*, *Treasurer*, and *Barons*, and believed, That if a Bill was directed otherwise, it would be Error.

That upon the 30th of June, 1718. on Motion of the said *Bauman*, an Attachment to the Pursivant was awarded against the said *Burrowes* for not Returning the said Injunction, bearing Test the 1st Day of July, in the Fourth Year of His Majesty's Reign, and Returnable before the *Chancellor*, *Treasurer* and *Barons* of the said Court, in *Craft. Animar.* then next.

That upon the 7th July, 1718. the said *Burrowes* returned the said Injunction, and the said *Bauman* was acquainted therewith by the said *Draycott*, who

who told the said *Bauman*, that he was ready to pay him the Cost of imposing the said Fines and Pursivant, which the said *Bauman* refused, and told the said *Draycott*, that he must first have the said Sheriff in Custody ; That the said *Draycott* applied again to the said *Bauman*, and the said *Bauman* said, he must first lay the said Sheriff by the Heels.

That by the Testimony of the said Mr. *Reading* and Mr. *Draycott*, Barons *Pocklington* and *St. Leger* upon 16th July, 1718. sat in the Exchequer-Chamber on the Reducing of Fines : That the Fines imposed upon the laid Sheriff were then read by Mr. *Becher* the Officer, who inform'd the said Barons, that the said Injunction was return'd ; That a Pistole and Seven Half Crowns were paid to the Box, and the said Fines were then taken off by the laid Barons.

That upon the same Day in the Afternoon, the said *Becher*, *Reading* and *Draycott* were sent for to the Lord Chief Baron's Houle, where the Two other Barons were with his Lordship, That the said Injunction was sent for, and said Injunction and Return thereon was read, and the Barons declared that it was no Return ; That the said *Draycott* told his Lordship, That he hoped he would at least Relpice the said Fines till the then next Term, or give the said Sheriff an opportunity to justifie his said Return ; which was refus'd : That the List of Fines, which was that Day read in the said Exchequer-Chamber, was then call'd for, and the Fines imposed upon the said *Burrowes* were then read : That the said *Draycott* was obliged to take back the said Money, which he had paid to the Box for taking off the said Fines, and the same were then Estreated.

That the Return made by the said Sheriff upon the said Injunction, was to this purpose, (*viz.*) That before the said Writ came to him, the Order of this Houle of the 3d October, 1717. and the Resolutions of this House of the 11th of February, 1703. were delivered to him, which he Recites in *hæc verba*. Which Return the Lords Committees have thought fit to annex to their Report. That *Charles Nuttal Esq;* late Sheriff of the County of *Kildare*, by virtue of the said Order of the 3d of October, put *Hester Sherlock* into the Possession of the Premisses, and that she was at the time of the Return in Possession thereof, That by reason of their Order and Resolutions, he durst not Restore *Maurice Annefley* to the Possession of the Lands in the said Injunction mentioned, in Prejudice and Violation of the Rights and Privileges of this House.

That upon the 7th November, 1718. Upon Motion of the said *Bauman*, said Atraction to the Pursivant against the said *Burrowes* was renewed, bearing Test the 6th November last, and returnable before the said Chancellor, Treasurer and Barons in Octabis. Sanct. Hillarij. then next ensuing, and on the 30th January following, the said Attachment was again ordered to be renewed : That the said Sheriff, by reason of their said Attachments, was obliged to abscond, and thereby prevented from coming upon his Accounts, and was upon that account Fined by the said Court 1200*l.* and upwards.

That upon the 4th February, 1718. the Lord Chief Baron, and Mr. Baron *Pocklington*, upon the Receipt of Three Papers, which the said Barons alledged to be Orders from the Houle of Lords of Great-Britain, dated the 23d January, 1718. Sign'd *William Cowper, Cler'. Parliamentor'*. in a Letter produced by the said Barons from the Lord Chancellor, dated London, the 27th January, 1718. Sign'd *Parker C.* which came by Post, directed to the Lord Chief Baron of the Exchequer in Ireland, and the rest of the Barons of that Court, whereby it was Ordered, That the Barons of the said Court of Exchequer, should cause *Hester Sherlock* to account before them

them upon Oath, for the Rents and Profits of the Estate in Question; which she had Made or Received since her gaining the Possession thereof by the Order of the House of Lords in *Ireland*, and to Answer and Pay the same to *Maurice Annesley Esq;* but without Prejudice in Case of an Appeal. Also, That the Barons of the said Court were directed to proceed by the most speedy and effectual Methods, to cause Possession of the Estate of the said *Maurice Annesley,* as required by their Order of the 6th February, to be Restored to him, and also, that the Chancellor of *Great-Britain* should Transmit to the said Barons the said Orders, and that they should give an Account of what should be done therein.

That without any Proof by Affidavit, (as usual in Courts of Equity) That the said *Alledged Orders* were regularly Signed and Compared, and without Motion of Council or Attorney, It was ordered in the Name of the *Chancellor and Treasurer, Lord Chief Baron,* and the rest of the *Barons of His Majesty's Court of Exchequer in Ireland,* That the Injunction of that Court should forthwith Issue, directed to the said *Hester Sberlock,* and to the several and respective Tenants of the Lands in Question; Requiring them, and every of them, quietly to Restore to the said *Maurice Annesley,* the Possession of the Town and Lands of *Little Rath, Bodingstown, Darr, and Mullenafooky,* lying and being in the County of *Kildare;* the said Lands by the said Barons supposed to be comprehended in the said Order.

That the said Injunction was ordered to be Served upon the said Persons by the Pursivant attending the said Court, or by any other Person or Persons whom the said *Maurice Annesley* or his Agent should appoint: and the said *Maurice Annesley* or his Agent was thereby required to leave the Names of the several and respective Tenants of the said Lands, at the proper Office, in order to be inserted in the said Injunction: And also, order'd, That the Rents of the said Lands remaining in the several Tenants Hands from the time the said *Hester Sberlock* was put in Possession, shou'd be forthwith by them paid over to the said *Maurice Annesley;* and that a Copy of the said Order should be Served upon the said several Tenants of the said Lands, together with the said Injunction. Tho' by the Order of the House of Lords of *Great-Britain,* the Barons were only directed to oblige *Hester Sberlock* to Account before them upon Oath, for the Rents of the said Lands, received by her since, her gaining the Possession thereof, which she was to pay to *Maurice Annesley,* without Prejudice in case of an Appeal.

That pursuant to the said Order of the 4th of February, an Injunction issued out of the said Court. Sign'd *Jeff. Gilbert,* bearing Test the 12th February last, Directed to *Hester Sberlock,* and Twenty-one Persons as Tenants to the said Lands. That the said *Hester Sberlock* was never Served with the said Injunction or Order; notwithstanding which, she was thereby Dispossessed of the said Lands about the 20th February last, by the Attornement of the Tenants; except a small part thereof in the Possession of *Dennis Galvin.*

That upon an Affidavit made by *Richard Lyons,* in a Cause of *Annesley vers. Sherlock,* Sworn before Mr. Baron *St. Leger,* the 23d of February last, and upon Motion of said *Bauman,* an Attachment to the Pursivant was the same day, ordered by the said Court, against said *Dennis Galvin,* for not obeying the said Injunction, tho' no such Person was named in the said Writ of Injunction.

The said Lords Committees had also the Oath Administred to the *Barons of the Exchequer,* laid before them by Mr. *Hartley Hutchinson,* Deputy Clerk of the Crown in the High Court of Chancery, and is as follows, *viz.*
Tou

YE shall Swear, That well and truly ye shall Serve the King in the Office of Baron of His Exchequer, and that truly ye shall Charge and Discharge all manner of People, as well the Poor as Rich, and that for Highness nor for Riches, nor for Hatred, nor for the Estate of no manner of Person or Persons, nor for any good Deed, Gift ne Promise of any Person the which is made to you, nor by Craft nor by Engine, ye shall Lett the King's Right, nor none other Persons Right, Ye shall Disturb, Lett nor Respit against the Laws of the Land, nor the King's Debts ye shall put in Respit where that they may goodly be Levyed, and that the King's Needs ye shall speed afore all other, and that for Gift, Wages, nor good Deed, ye shall Layne, Disturb nor Lett the Profit and Reasonable Advantage of the King, in the Advantage of any other Person nor of your self: And that nothing ye shall take of any Person for to do Wrong or Right or Delay, or for to Deliver or to Delay the People which that have to do afore you; but as hastily as ye may them goodly to Deliver without hurt of the King, and having no regard to any Profit, that might there-of to you be therein, you shall make to be delivered: And whereas ye may know any Wrong or Prejudice to be done to the King, ye shall put and do all your Power and Diligence that to Redress, and if ye may not do it, ye shall tell it to the King, or to them of his Council, which may make Relation to the King, if ye may not come to him, to the King's Majesty's Lieutenant, or other Chief Governour or Governours of this Realm for the time being, and the King's Council ye shall keep and Layne in all things, as God you help, and by the Contents of this Book.

The Committee humbly take leave to observe to your Lordships, That there is no Name of any Attorney to the first Injunction.

Which said REPORT being Read and Agreed to:

RESOLVED on the Question, That Alexander Burrowes Esq; late High Sheriff of the County of Kildare, has fully proved the Allegations of his Petition, to the Satisfaction of this House.

Resolved on the Question, That the said Alexander Burrowes Esq; late High-Sheriff of the County of Kildare, in not obeying the Injunction issued forth out of His Majesty's Court of Exchequer, Dated the 22d. February, 1717. in the Cause between Sherlock and Annesley, has behaved himself with Integrity and Courage, and with due Respect to the Orders and Resolutions of this House.

Resolved on the Question, That the Fines Imposed upon Alexander Burrowes Esq; by the Court of Exchequer, amounting to 77 l. for not Returning the Writ of Injunction in the Cause between Sherlock and Annesley, be taken off without Fees.

Resolved on the Question, That the Fines Imposed upon *Alexander Burrowes Esq;* by the Court of *Exchequer*, for not Entring on his Accounts; amounting to $1200\text{l}.$ and upwards, be taken off, when he shall have made a just Account, without other Fees than such as are usual on Passing Sheriffs Accounts.

Resolved on the Question, That the Lord Chief Baron, and the other Barons of the Court of *Exchequer* had due Notice of the Resolutions of this House made the 11th February, 1703. in the Cause of the Earl of *Meath*, and Lord *Ward*, before they made an Order for an Injunction to put *Maurice Annesley* into Possession.

Resolved on the Question, That the Lord Chief Baron, and the other Barons of the Court of *Exchequer*, had due Notice of the Order of this House of the 3d. of October, 1717. in the Cause of *Sherlock* and *Annesley*.

Resolved on the Question, That *Jeffry Gilbert Esq;* Lord Chief Baron of His Majesty's Court of *Exchequer*, in the Proceedings in the Cause between *Sherlock* and *Annesley*, as also against *Alexander Burrowes Esq;* late High Sheriff of the County of *Kildare*, has acted in direct Violation of the Orders and Resolutions of this House.

Resolved on the Question, That *Jeffry Gilbert Esq;* Lord Chief Baron of His Majesty's Court of *Exchequer*, in the Proceedings in the Cause between *Sherlock* and *Annesley*, as also against *Alexander Burrowes Esq;* late High Sheriff of the County of *Kildare*, has acted in manifest Derogation to, and Diminution of the King's Prerogative, of finally Judging in his High Court of Parliament in *Ireland*, as also the Rights and Privileges of this Kingdom, and the Parliament thereof.

Resolved on the Question, That *John Pocklington Esq;* one of the Barons of His Majesty's Court of *Exchequer*, in the Proceedings in the Cause between *Sherlock* and *Annesley*, as also against *Alexander Burrowes Esq;* late High Sheriff of the County of *Kildare*, has acted in direct Violation of the Orders and Resolutions of this House.

Resolved on the Question, That *John Pocklington Esq;* one of the Barons of His Majesty's Court of *Exchequer*, in the Proceedings in the Cause between *Sherlock* and *Annesley*, as also against *Alexander Burrowes Esq;* late High Sheriff of the County of *Kildare*, has acted in manifest Derogation to, and Diminution of the King's Prerogative, of finally Judging in his High Court of Parliament in *Ireland*, as also of the Rights and Privileges of this Kingdom, and the Parliament thereof.

Resolved on the Question, That *Sir John St. Leger Knt.* one of the Barons of His Majesty's Court of *Exchequer*, in the Proceedings in the Cause between *Sherlock* and *Annesley*, as also against *Alexander Burrowes Esq;* late High Sheriff of the County of *Kildare*, has acted in direct Violation of the Orders and Resolutions of this House.

Resolved on the Question, That *Sir John St. Leger Knt.* one of the Barons of His Majesty's Court of *Exchequer*, in the Proceedings in the Cause between *Sherlock* and *Annesley*, as also against the said *Alexander Burrowes Esq;* late High Sheriff of the County of *Kildare*, has acted in manifest Derogation to, and Diminution of the King's Prerogative, of finally Judging in his High Court of Parliament in *Ireland*, as also of the Rights and Privileges of this Kingdom, and the Parliament thereof.

Resolved,

Resolved on the Question, *Nem. Con.* That it is the Duty of the Barons of the Exchequer, where there is any Wrong or Prejudice done to the King, in Matters lying before them, to Inform the King, or the Chief Governour or Governours of this Kingdom, or the Council.

Resolved on the Question, That the Case of *Sherlock and Annesley*, as it lately lay before the Barons of the Exchequer, being Matter not only of Law, but of State, ought to have been laid before the King, the Chief Governour or Governours of this Kingdom, or the Council of the same: It so nearly concerning His Majesty's Prerogative, and the Interest of the whole Kingdom.

Dissentient,

Jo. Meath,

Welbore Kildare;

Henry Killalla and Achonry,

Timo. Kilmore and Ardagb.

Donerayle,

Midleton Canc.

Wm. Derry.

Resolved on the Question, That *Jeffry Gilbert Esq; Lord Chief Baron of the Court of Exchequer, John Pocklington Esq; and Sir John St. Leger Kt;* Barons of the same, in their Proceedings in the Cause between *Sherlock and Annesley*, and against *Alexander Burrowes Esq; late Sheriff of the County of Kildare*, have acted contrary to Law, and to the Establish'd Practice of the King's Courts.

Dissentient,

Jo. Meath,

Welbore Kildare,

Henry Killalla and Achonry,

Timo. Kilmore and Ardagb.

Donerayle,

Midleton, Canc.

Wm. Derry.

Resolved on the Question, That *Jeffry Gilbert Esq; Lord Chief Baron of the Court of Exchequer*, having taken upon him, to put in Execution a pretended Order from *Another Court*, contrary to the final Judgment of this High Court of Parliament, in the Cause between *Sherlock and Annesley*, is a Betrayer of His Majesty's Prerogative, and the Undoubted, Antient Rights and Privileges of this House, and of the Rights and Liberties of the Subjects of this Kingdom.

Dissentient,

Jo. Meath,

Welbore Kildare,

Henry Killalla and Achonry,

Timo. Kilmore and Ardagb.

Donerayle.

Midleton, Canc.

Wm. Derry.

Resolved on the Question, That *John Pocklington Esq; Second Baron of the Court of Exchequer*, having taken upon him to put in Execution, a pretended Order from *Another Court*, contrary to the final Judgment of this High Court of Parliament, in the Cause between *Sherlock and Annesley*, is a Betrayer of His Majesty's Prerogative, and the Undoubted, Antient Rights and Privileges of this House, and of the Rights and Liberties of the Subjects of this Kingdom.

Dissentient,

Jo. Meath,

Welbore Kildare,

Henry Killalla and Achonry,

Timo. Kilmore and Ardagb.

Donerayle.

Midleton, Canc.

Wm. Derry.

Resolved,

Resolved on the Question, That Sir John St. Leger, Third Baron of the Court of Exchequer, having taken upon him to put in Execution a pretended Order from Another Court, contrary to the Final Judgment of this High Court of Parliament, in the Cause between Sherlock and Annesley, is a Betrayer of His Majesty's Prerogative, and the Undoubted, Antient Rights and Privileges of this Houle, and of the Rights and Liberties of the Subjects of this Kingdom.

Dissentient,

<i>Jo. Meath,</i>	<i>Donerayle.</i>
<i>Welbore Kildare,</i>	
<i>Henry Killalla and Achonry,</i>	
<i>Timo. Kilmore and Ardagh.</i>	

<i>Middleton, Canc.</i>
<i>Wm. Derry.</i>

It is Ordered by the Lords Spiritual and Temporal in Parliament Assembled, That the Right Honourable Jeffry Giibert Esq; Lord Chief Baron of the Court of Exchequer, shall, for the laid Offences, be taken into the Custody of the Gentleman-Usher of the Black-Rod attending this Houle.

Dissentient,

<i>Jo. Meath,</i>	<i>Fitz-Williams.</i>
<i>Welbore Kildare,</i>	
<i>Henry Killalla and Achonry,</i>	
<i>Timo. Kilmore and Ardagh.</i>	

<i>Middleton, Canc.</i>
<i>Donerayle.</i>
<i>Wm. Derry.</i>

It is Ordered by the Lords Spiritual and Temporal in Parliament Assembled, That John Pocklington Esq; Second Baron of the Court of Exchequer, shall, for the laid Offences, be taken into the Custody of the Gentleman-Usher of the Black Rod attending this House.

Dissentient,

<i>Jo. Meath,</i>	<i>Fitz-Williams.</i>
<i>Welbore Kildare,</i>	
<i>Henry Killalla and Achonry,</i>	
<i>Timo. Kilmore and Ardagh.</i>	

<i>Middleton, Canc.</i>
<i>Donerayle.</i>
<i>Wm. Derry.</i>

It is Ordered by the Lords Spiritual and Temporal in Parliament Assembled, That Sir John St. Leger Kt. Third Baron of the Court of Exchequer, shall, for the said Offences, be taken into the Custody of the Gentleman-Usher of the Black Rod attending this House.

Dissentient,

<i>Jo. Meath,</i>	<i>Fitz-Williams.</i>
<i>Welbore Kildare,</i>	
<i>Henry Killalla and Achonry,</i>	
<i>Timo. Kilmore and Ardagh.</i>	

<i>Middleton, Canc.</i>
<i>Donerayle.</i>
<i>Wm. Derry.</i>

Die Luna 10 Die Augusti, 1719.

IT is Ordered by the Lords Spiritual and Temporal in Parliament Assembled, That the Clerk of this House do forthwith give Order for the Printing and Publishing the Report from the Lords Committees for Courts of Justice on the Petition of Alexander Burrowes Esq; late High Sheriff of the County of Kildare, and also the Resolutions of this House thereupon, and that no other Person presume to Print the same: And further, before the Printing of the said Report and Resolutions, That the Lords Committees appointed to Inspect the Journals, or any Two of them, do Peruse and Sign the said Report and Resolutions.

T H E

T H E

APPENDIX.

**A Copy of the Letters and Orders Transmitted
to the Lord Chief Baron in Ireland, in the
Cause of Annesley and Sherlock.**

London, the 8th February, 1717.

My Lord Chief Baron,

BY Order of the House of Lords, (a Copy whereof I herewith send you) I Transmit to your Lordship, and the rest of the Barons of His Majesty's Court of Exchequer in Ireland, the Order of the said House, whereby the Barons of that Court are commanded to Restore Mr. Annesley to the Possession of his Estate. Your Lordship will immediately communicate this to the rest of the Barons, and let me know, as soon as can be, what is done by your self, and the rest of the Barons in pursuance to their Lordships Order, as you see by the above-mentioned Copy I am ordered to require of you,

I am your Lordship's most faithful Servant,

Cowper, C.

*To the Lord Chief Baron of the Exchequer
in Ireland, and the rest of the Barons of
the said Court.*

Die novis, 6^o. Februarii, 1717.

Ordered,

BY the Lords Spiritual and Temporal in Parliament Assembled, That the Lord Chancellor do Transmit the Order of this House to the Barons of the Court of Exchequer in Ireland, which requires them to cause Possession to be forthwith delivered to Maurice Annesley Esq; of the Lands of which he was Dispossessed, pending his Appeal in this House, Commanding the Barons of the Exchequer at the same time to Return to this House, as soon as they can, an Account of what shall be done therein.

*Wm. Cowper, Cler^r. Parliamentor^r.
D
Die*

Die Jovis 6^o Die Februarii, 1717.

UPON Report from the Committee of the Whole House, to whom it was Referr'd, to consider by what Methods the Order of this House, for the Restoring Possession to *Maurice Annesley Esq;* of the Estate in *Ireland*, whereof he was Dispossess'd, pending his Appeal in this House, may be most properly Enforced and Executed; It is Ordeted by the Lords Spiritual and Temporal in Parliament Assembled, That the Barons of the Court of *Exchequer* in *Ireland*, do cause the said *Maurice Annesley Esq;* to be forthwith Restored to the Possessions of the Lands of which he was Dispossess'd, pending his Appeal, which was received by this Houle the 8th Day of *June* last.

William Cowper, Cler^r. Parliamentor^r.

Die Veneris 23^o Januarii, 1718.

Ordered,

Annesley & S^r Sherlock. **B**Y the Lords Spiritual and Temporal in Parliament Assembled, That the Lord High Chancellor of Great-Britain, do Transmit the Two Orders made this day on the behalf of *Maurice Annesley Esq;* to the Barons of the Court of *Exchequer* in *Ireland*, Commanding them at the same time to Return, as soon as they can, an Account of what shall be done therein.

William Cowper, Cler^r. Parliamentor^r.

London the 27th January, 1718.

My Lord Chief Baron,

BY Order of the House of Lords, (a Copy whereof I herewith send you) I Transmit to your Lordship and the rest of the Barons of His Majesty's Court of *Exchequer* in *Ireland*, Two Orders of the said Houle, made in the Caule of *Annesley against S^r Sherlock*, by one of which the Barons of that Court are commanded to proceed by the most speedy and effectual Methods to cause Possession of the Estate of the Appellant *Maurice Annesley Esq;* to be Restor'd to him, as was required by Order of the said Houle of the 6th February last; and by the other, the said Barons are commanded to caule *Hester S^r Sherlock* to Account before them upon Oath for the Rents and Profits of the Estate in Question, which she has made or received since her gaining Possession thereof, by Order of the House of Lords in *Ireland*; and answer and pay the same to the said Appellant *Maurice Annesley Esq;* but without prejudice to the Right, in case of an Appeal to be brought by either Party from the Decree of the Court of *Exchequer* in *Ireland*.

Your Lordship will immediately communicate this, to the rest of the Barons, and return, as soon as you can, an Account of what shall be done by

by your self, and the rest of the Barons, in pursuance of their Lordships said Orders, as you see by the above-mention'd Copy, I am ordered to require of you.

I am,

Your Lordship's most faithful Servant,

Parker, C;

To the Lord Chief Baron of the *Exchequer*
in *Ireland*, and the rest of the Barons.

Die Veneris 23^o. Januarii, 1718.

Annesley } **U** PON Report from the Lords Committees, appointed
vers. to enquire into the Reason of the Delay, in not
Sherlock. obeying the Orders of this House, relating to the
Appeal of *Maurice Annesley Esq;* and how the same
may more properly be enforced. It is ordered by
the Lords Spiritual and Temporal in Parliament Assembled, That the
Barons of the Court of *Exchequer in Ireland* be, and are hereby directed to
proceed by the most speedy and effectual Methods to cause Possession of
the Estate of the laid *Maurice Annesley*, as required by Order of this House
of the 6th of *February* last, to be Restored to him.

William Cowper, Cler^r. Parliamentor^r.

Die Veneris 23^o. Januarii, 1718.

Ordered,

Annesley } **B** Y the Lords Spiritual and Temporal in Parliament As-
vers. sembed, That the Barons of the Court of *Exchequer*
Sherlock. in *Ireland*, do cause the Respondent *Hester Sherlock*
to Account before them, upon Oath, for the Rents
and Profits of the Estate in Question, which she has
Made or Receiv'd since her gaining the Possession thereof, by the Orders
of the House of Lords in *Ireland*, and to answer and pay the same to the
Appellant *Maurice Annesley Esq;* but without Prejudice to the Right, in
case of an Appeal to be brought by either Party from the Decree of the
Court of *Exchequer in Ireland.*

William Cowper, Cler^r. Parliamentor^r.

The

The Return upon the Injunction.

Cancellar. Thesaurar. & Baronibus. Infrascrip. humillime Certifico quod ante adventum hujus Brevis mibi direct. quædam Resolutiones Praebonorabil. Dom. Procerum hujus Regni Hiberniæ fact. in Parliament. apud Dublin. in hoc Regno Congregat. undecimo die Febr. Anno Dom. Millesimo Septingentesimo Tertio mihi deliberat. fuer. quæ sequuntur in hac verba, scilicet. Resolutions of the Right Honourable the House of Peers, the Eleventh of February, 1703.

Ordered on Motion, That the Petition of Edward Earl of Meath, and Cecilia Countess of Meath his Wife, be read, read accordingly.

Ordered on Motion, That the Clerk of the Rolls do bring into this House the Roll of the Acts of Parliament of the 38th of Henry the VIth.

Resolved on the Question, *Nemine Contradicente*, That by the Antient and Known Laws and Statutes of this Kingdom, Her Majesty hath an Undoubted Jurisdiction and Prerogative of Judging in this Her High Court of Parliament in all Appeals and Causes within this Her Majesty's Realm of Ireland.

Resolved on the Question, *Nemine Contradicente*, That the Determinations and Judgments of this High Court of Parliament, are Final and Conclusive, and cannot be Revers'd or Set aside by any other Court wheresoever.

Resolved on the Question, *Nemine Contradicente*, That if any Subject or Resistant, within this Kingdom, shall hereafter presume to Remove any Cause determined in this High Court of Parliament, to any other Court, such Person or Persons shall be deemed *Betrayers* of Her Majesty's Prerogative and Jurisdiction, and the Undoubted, Antient Rights and Privileges of this Honourable House, and of the Rights and Liberties of the Subjects of this Kingdom.

Resolved on the Question, *Nemine Contradicente*, That if any Subject or Resistant within this Kingdom, shall presume to put in Execution any Order from any other Court, contrary to the Final Judgment and Determination of this High Court of Parliament, such Person or Persons shall be deemed *Betrayers* of Her Majesty's Prerogative and Jurisdiction, and the Undoubted, Antient Rights and Privileges of this House, and of the Rights and Liberties of the Subjects of this Kingdom.

Ex. Sterne, Cler^r. Parlimentor^r.

Et ulterius Certifico, quod ante Adventum istius Brevis mibi direct. quidam Ordo fact. per Praebonorabil. Domin. Spiritual. & Temporal. in Parliament. in hoc Regno Congregat. geren. dat. Tertio die Octobris, Anno Dom. Millesimo Sedtingentesimo decimo Septimo etiam mibi deliberat. fuit, qui sequitur in hac verba, scilicet. Die Jovis Tertio die Octobris, 1717. Whereas by the Report made from the Lords Committees appointed to consider the properest Method for the Relieving of Hester Sberlock, Widow, &c. pursuant to what was Ordered and Adjudged by this House on the 19th Day of June, 1716. in a Cause wherein the said Hester Sberlock Widow, was Appellant, and Maurice and John Annesley Esqrs. were Respondents: As also upon the Resolutions agreed to this Day by this House, it appears, That the Sum of One Thousand Five Hundred and Seven Pounds, Fourteen Shillings, and Eight Pence Farthing, was due to Hester Sberlock the Appellant, upon the 19th Day of February, 1716. on Account of the Principal and Interest of the Portion of

Edward

*Edward Sherlock, Decreed unto the said Appellant as Administratrix to the
said Edward, by this House on the 19th Day of June, 1716. and that the
Lands of Little-Rath, Bodingstown, Darr, and Mullenafooky in the Barony
of Naas and County of Kildare are chargeable with and liable to the
Payment of the said Sum. It is thereupon Ordered by the Lords Spiritual
and Temporal in Parliament Assembled, That the High Sheriff of the
County of Kildare do forthwith put the said Hester Sherlock into the Pos-
session of the said Lands of Little-Rath, Bodingstown, Darr, and Mullen-
afooky, subject to the said Sum of One Thousand Five Hundred and Seven
Pounds, Fourteen Shillings, and Eight Pence Farthing, to be Held by her
the said Hester until such Time, as she shall receive the said Sum chargeable
upon the said Lands as aforesaid, and this shall be a sufficient Warrant in
that behalf.*

To Charles Nuttal Esq; High Sheriff of the County of
Kildare.

*E*n N. Sterne, Cler'. Parliamentor'. Virtut. cuius Ordin. prædict. Carolus
Nuttal posuit prædict. Hester Sherlock in plen. quiet. & pacific. Possession.
Omn. Vill. & Terr. prædict. & prædict. Hester Sherlock jamusq; Conti-
nuavit in ead. Possession. Premiss. prædict. secund. tenor. & effect. Ordinis præ-
dict. Ratione quorum Resolution. & Ordin. in Præjudict. & Session. Priviledg.
Parliament. per Leges & Statut. hujus Regni Hiberniæ provis. infra Nominat.
Mauric. Annesley ar. ad Possession. Seperal. Vill. & Terr. de Little Rath, Bo-
dingstown, Darr, & Mullenafooky infra Menconat. restituer. non audeo. Sic
Respond.

Alex. Burrowes, ar. vic:

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